

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Robbie Johnson,

Plaintiff,

vs.

Captain Marvin Nix,

Defendants.

C/A No. 4:19-0720-JFA-TER

**ORDER**

Robbie Johnson (“Plaintiff”), proceeding *pro se*, filed this action under 42 U.S.C. § 1983 alleging a violation of his constitutional rights. (ECF No. 1). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., the case was referred to a Magistrate Judge for review.

The Magistrate Judge assigned to this action<sup>1</sup> prepared a thorough Report and Recommendation (“Report”) and opines that this Court should dismiss this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). (ECF No. 40). The Report sets forth in detail the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

On October 2, 2019, Defendant Marvin Nix filed a Motion for Summary Judgment. (ECF No. 36). On October 3, 2019, the Magistrate Judge advised Plaintiff of the motion for summary judgment procedure and the possible consequences if he failed to respond adequately. (ECF No.

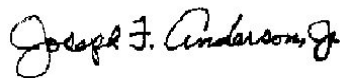
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<sup>1</sup> The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(g) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

37). Plaintiff failed to respond in any way. On November 13, 2019, the Magistrate Judge filed a Report and Recommendation recommending that this Court dismiss the action. (ECF No. 40). The Magistrate Judge also advised Plaintiff of his right to object to the Report and Recommendation by November 27, 2019. (ECF No. 40). However, Plaintiff failed to file any objections to the Report. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation (ECF No. 40). Therefore, Plaintiff's Complaint (ECF No. 1) is dismissed with prejudice and without issuance and service of process. Defendant Marvin Nix's Motion for Summary Judgment (ECF No. 33) is granted and his Motion to Seal (ECF No. 35) is denied as moot.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

December 10, 2019  
Columbia, South Carolina

Joseph F. Anderson, Jr.  
United States District Judge